

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

**T.A.S., a minor, by and through his parent,
Connie Townsend,**

Plaintiff,

v.

**GILMER COUNTY SCHOOL BOARD OF
EDUCATION; PATRICIA LOWTHER, in
her individual capacity and in her official
capacity as Superintendent of Gilmer County
Schools; and DOUG COTTRILL, DAVID
RAMEZAN, TAMMY HUFFMAN, BRIAN
KENNEDY, and THOMAS MINNEY, in
their individual capacities and in their
capacities as members of the Gilmer County
Schools Board of Education,**

Defendants.

**CIVIL ACTION NO.): 1:21-CV-130
(JUDGE KEELEY)**

**MEMORANDUM OPINION AND ORDER DENYING
PLAINTIFF'S MOTION TO AMEND COMPLAINT [ECF NO. 16]**

This matter has been referred to the undersigned Magistrate Judge pursuant to an Order entered by the presiding District Judge, Hon. Irene M. Keeley, dated October 4, 2021. [ECF No. 6].

By this motion, Plaintiff, pro se, seeks leave to file an amended complaint. However, by previous Order dated October 4, 2021, the Court directed Plaintiff to retain legal counsel or risk dismissal of the action. [ECF No. 7]. In this Order, the Court explained that Plaintiff, a minor, may not maintain such an action brought by and through his parent, Connie Townsend, who is not an

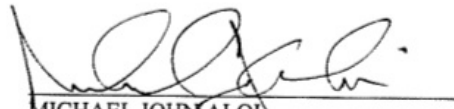
attorney. The Court directed that Plaintiff must retain legal counsel, and that such counsel must enter an appearance in this matter within 30 days of Plaintiff's receipt of that Order. Plaintiff received the Order on October 8, 2021. [ECF No. 15].

Because Plaintiff may not maintain this action in its current posture, without retained counsel properly entering an appearance, Plaintiff also is not permitted to take measures to litigate this matter prior to such counsel appearing. Thus, Plaintiff may not seek relief by the presently-pending motion. Only if Plaintiff retains counsel who properly enters an appearance will the Court entertain such a motion.

Accordingly, based on the foregoing, Plaintiff's motion to amend the complaint [ECF No. 16] is hereby **DENIED**. It is so **ORDERED**.

The Clerk is directed to send a copy of this Order to all *pro se* parties by certified mail, return receipt requested, to their last known addresses as shown on the docket, to counsel of record by electronic means.

DATED: October 15, 2021.



MICHAEL JOHN ALOIS
UNITED STATES MAGISTRATE JUDGE